THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18218 of 2007

Date:05-09-2007

Between:

Rasani Srinivas ..
PETITIONER

AND

The Revenue Divisional Officer, Kakinada-I
..
RESPONDENT

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ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the respondent in not disposing the appeal D.Dis.E5/5558/2001 remanded by the Joint Collector, Kakinada, East Godavari District on 14.12.2006, as illegal and arbitrary.

It is the case of the petitioner that against the orders passed by the Mandal Revenue Officer, Kakinada Rural, dated 10.12.2001 resuming the lands of the petitioner in respect of plot Nos.76 and 78, an appeal has been filed before the Revenue Divisional Officer, Kakinada and the R.D.O. dismissed the said appeal, against which the petitioner filed an appeal before the Joint Collector.

It is the case of the petitioner that plot No.76 in Sy.No.225/5 and 226/1 admeasuring Ac.0.03 cents in Turangi village, Kakinada rural and plot No.78 in Sy.Nos.225/5 and 226/1 admeasuring Ac.0.03 cents of Turangi village were purchased by the petitioner and they are not the assigned lands.

It is stated that the Joint Collector on perusal of the records and the relevant evidence available on record came to the conclusion that admittedly the plot No.78 is an assigned land and therefore, the said assigned land cannot be alienated and the resumation of the plot No.78 is confirmed. But, insofar as the plot No.76 is concerned, neither the Mandal Revenue Officer nor the Revenue Divisional Officer were able to produce any records as to whether the said plot No.76 is assigned land or not and accordingly, the Joint Collector by impugned proceedings No. D.Dis.E5/5568/2001, dated 14.12.2006 while confirming the resumation orders in respect of plot No.78, remanded the matter to the

Revenue Divisional Officer insofar as the plot No.76 is concerned, and till then a direction was given not to evict the petitioner from plot No.76.

It is stated that pursuant to the remand order, the appeal is pending before the Revenue Divisional Officer and the said appellate authority has not considered and disposed of the same.

Having regard to the facts and circumstances of the case, the respondent-R.D.O. is directed to consider and dispose of the appeal pursuant to the remand order of the Joint Collector as expeditiously as possible after giving reasonable opportunity to the petitioner, preferably within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:05.09.2007
ccm